

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK J GOSSETT,

Plaintiff,

v.

JASON BENNETT,

Defendant.

Case No. 3:24-cv-05491-TMC

ORDER DENYING MOTION FOR RELIEF
FROM JUDGMENT

I. ORDER

Before the Court is Plaintiff Mark Gossett's Motion for Relief from Judgment (Dkt. 20). Having reviewed the motion, the letter to the Court on the motion (Dkt. 22), the supplement to the motion (Dkt. 24), and the remaining record, the Court DENIES the motion.

On August 13, 2024, the Court dismissed Mr. Gossett's action and federal habeas petition without prejudice in its order adopting the Report and Recommendation of U.S. Magistrate Judge Grady Leupold and its subsequent judgment. Dkt. 16 at 2; Dkt. 17. The Court reasoned that the proposed habeas petition was duplicative of another habeas petition before the Court. *Id.*

Mr. Gossett argues that he is entitled to relief from judgment under Federal Rule of Civil Procedure 60(b)(4). Dkt. 20 at 1. Rule 60(b)(4) provides that "[o]n motion and just terms, the

1 court may relieve a party or its legal representative from a final judgment, order, or proceeding”
2 because “the judgment is void.”

3 Mr. Gossett fails to show how the judgment satisfies Rule 60(b)(4). He argues that the
4 Court “fail[ed] to conduct de novo review” of his affidavit in support of his habeas petition.
5 Dkt. 20 at 1–2. But the Court conducted de novo review, as stated in its August 13, 2024 order.
6 Dkt. 16 at 1 (“The Court has conducted de novo review of the Report and Recommendation
7 based on Mr. Gossett’s objections.”); Dkt. 16 at 1–2 (“This Court has conducted an independent
8 review of the record . . .”). In doing so, it reviewed the Report and Recommendation,
9 Mr. Gossett’s objections, and the remaining record, including Mr. Gossett’s habeas petition. *See*
10 *id.*

11 Mr. Gossett also argues that the Court should re-open his habeas proceedings because it
12 failed to apply *Williams v. Taylor*, 529 U.S. 362 (2000). Dkt. 20 at 2. But because the Court
13 dismissed his action on the grounds that it was duplicative of another, it was not proper to reach
14 the merits of his claims. *See* Dkt. 16 at 1–2. The Court thus DENIES Mr. Gossett’s motion for
15 relief from judgment.

16 II. CONCLUSION

17 The Court ORDERS as follows:

- 18 • The Court DENIES Mr. Gossett’s motion for relief from judgment (Dkt. 20).
- 19 • The Court DENIES all of Mr. Gossett’s other proposed motions (Dkt. 18, 19, 21,
20 25) as moot.
- 21 • The Court DENIES Mr. Gossett’s request for a certificate of appealability
22 (Dkt. 20 at 2).

23 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
24 to any party appearing pro se at said party’s last known address.

1 Dated this 9th day of September, 2024.

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4 Tiffany M. Cartwright
5 United States District Judge
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